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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
GERALD DUCHENE, et al.,

Plaintiffs,

-against-

MICHAEL CETTA, INC., d/b/a SPARKS
STEAK HOUSE, and MICHAEL CETTA,

Defendants.
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06 Civ. 4576 (PAC) (GWG)

**NOTICE OF
MOTION**

ECF CASE

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law and Declaration of Louis Pechman, the undersigned will move this Court before the Honorable Paul A. Crotty at the United States District Courthouse, 500 Pearl Street, Courtroom 20C, New York, New York 10007, on a date and time to be determined by the Court, for an Order pursuant to Rule 23 of the Federal Rules of Civil Procedure and Section 216(b) of the Fair Labor Standards Act granting preliminary approval of a proposed settlement in this class and collective action.

Dated: New York, New York
May 26, 2009

BERKE-WEISS & PECHMAN LLP

By: /s/ Louis Pechman
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